

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN SENATE APRIL 27, 1999

SENATE BILL

No. 78

Introduced by Senator Murray

December 7, 1998

An act to ~~amend Section 13012~~ *add and repeal Section 13024* of the Penal Code, *and to add and repeal Sections 2400.4 and 2400.5 of the Vehicle Code*, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 78, as amended, Murray. ~~Department of Justice~~ *Commissioner of the California Highway Patrol*: annual report.

(1) Existing law specifies the powers and duties of the Commissioner of the California Highway Patrol.

This bill would require each member of the California Highway Patrol to report to the commissioner, in the manner prescribed by the commissioner, as to the number of motor vehicle drivers stopped by law enforcement, whether or not a citation or warning was issued, for each stop, certain specified information, and other information. On July 1, 2002, and July 1, 2003, the bill would impose the same reporting requirements on each city and county law enforcement agency in specified counties, and on July 1 2003, and July 1, 2004, impose those requirements on city and county law enforcement agencies in all other counties, thereby imposing a state-mandated local program by increasing the level of services required of local law enforcement agencies.

The bill would require the commissioner to collect this information and to report to the Governor and Legislature, as specified.

~~Existing law requires the Department of Justice to collect data necessary for the work of the department, to process, tabulate, analyze, and interpret the data, to present an annual report to the Governor containing the criminal statistics of the preceding calendar year, and to periodically review the requirements of units of government using criminal justice statistics.~~

~~This bill would expressly require this annual report, commencing with the report due on or before July 1, 2001, to contain specified statistics regarding all stops for traffic violations by law enforcement officers.~~

The bill also would require that data collected pursuant to these provisions be used only for research and statistical purposes and not contain any information that would reveal the identity of any individual who is stopped for a traffic violation or the identity of any law enforcement officer.

The bill would require the commissioner to perform these duties within existing budgetary resources.

The bill also would provide that its provisions would be repealed on January 1, ~~2004~~ 2005, unless a later enacted statute that is enacted prior to January 1, ~~2004~~ 2005, deletes or extends that date.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

~~SECTION 1. Section 13012 of the Penal Code is~~

SECTION 1. Section 13024 is added to the Penal Code, to read:

13024. (a) The members of the California Highway Patrol and law enforcement agencies described in Section 2400.5 of the Vehicle Code shall report to the Commissioner of the California Highway Patrol, in the manner that he or she prescribes, as to the number of motor vehicle drivers stopped by members and law enforcement agencies, whether or not a citation or warning was issued, and, for each stop, the information listed in Section 2400.5 of the Vehicle Code.

(b) Data required pursuant to subdivision (a) shall be used only for research or statistical purposes and shall not contain any information that may reveal the identity of any individual who is stopped or any peace officer.

(c) The Department of the California Highway Patrol shall perform the duties required by this section within existing budgetary resources.

(d) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 2. Section 2400.4 is added to the Vehicle Code, to read:

2400.4. (a) The Legislature finds and declares that it is in the public's interest that a study be conducted to identify the physical characteristics of motorists stopped with respect to traffic law enforcement. The Legislature declares that, as the largest traffic law enforcement agency in the world, it is appropriate and fitting that the Department of the California Highway Patrol conduct that study.

(b) Pursuant to subdivision (a) and in accordance with Section 2400.5, enforcement agencies shall report to the commissioner, at those times and in the manner that he or she prescribes, the number of motor vehicle drivers stopped for all traffic law enforcement, whether or not a

1 citation or warning was issued, and for each stop, the
2 information listed in Section 2400.5.

3 (c) This section shall remain in effect only until
4 January 1, 2005, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 2005, deletes or extends that date.

7 SEC. 3. Section 2400.5 is added to the Vehicle Code,
8 to read:

9 2400.5. (a) On July 1, 2000, July 1, 2001, July 1, 2002,
10 and July 1, 2003, the commissioner shall prepare an annual
11 report that collects from members of the California
12 Highway Patrol, all of the following:

13 (1) Information regarding the number of motor
14 vehicle drivers stopped for all traffic law enforcement
15 purposes.

16 (2) Whether or not a citation or warning was issued.

17 (3) Data on the following information for each stop:

18 (A) Based on visual observation, the race or ethnicity
19 of the individual stopped.

20 (B) Whether the stop was based on any of the
21 following:

22 (i) Violation of the Vehicle Code.

23 (ii) Violation of the Penal Code.

24 (iii) Violation of a local ordinance.

25 (iv) The appearance of the driver or the appearance
26 of the vehicle matches the description of a crime suspect
27 or of a vehicle involved in the commission of a crime or
28 belonging to a crime suspect.

29 (4) Whether a vehicle search was instituted as a result
30 of the stop.

31 (5) Whether any written citation, warning, or arrest
32 was made as a result of the search or stop.

33 (b) On July 1, 2002, and on July 1, 2003, each city and
34 county law enforcement agency within the Counties of
35 Alameda, Contra Costa, Los Angeles, Riverside, San
36 Bernardino, Santa Clara, and San Diego, and the City and
37 County of San Francisco, shall report to the
38 commissioner, in the manner that he or she prescribes,
39 the number of motor vehicle drivers stopped by law
40 enforcement, whether or not a citation or warning was

1 issued, and, for each stop, the information listed in
2 subdivision (a).

3 (c) On July 1, 2003, and on July 1, 2004, each city and
4 county law enforcement agency within those counties
5 not included in the listing in subdivision (b), shall report
6 to the commissioner, in the manner that he or she
7 prescribes, the number of motor vehicle drivers stopped
8 by law enforcement, whether or not a citation or warning
9 was issued, and, for each stop, the information listed in
10 subdivision (a).

11 (d) Data acquired pursuant to this section shall be
12 used only for research or statistical purposes and shall not
13 contain any information that may reveal the identity of
14 any individual who is stopped or any law enforcement
15 officer.

16 (e) Notwithstanding Section 7550.5 of the
17 Government Code, the commissioner shall present to the
18 Governor and the Legislature, on or before July 1, 2002,
19 a report containing the information specified in this
20 section and, on or before July 1, 2002, July 1, 2003, and July
21 1, 2004, a report containing the information specified in
22 this section for the previous year.

23 (f) The commissioner shall perform the duties
24 required by this section within existing budgetary
25 resources.

26 (g) This section shall remain in effect only until
27 January 1, 2005, and as of that date is repealed, unless a
28 later enacted statute that is enacted before January 1,
29 2005, deletes or extends that date.

30 SEC. 4. Notwithstanding Section 17610 of the
31 Government Code, if the Commission on State Mandates
32 determines that this act contains costs mandated by the
33 state, reimbursement to local agencies and school
34 districts for those costs shall be made pursuant to Part 7
35 (commencing with Section 17500) of Division 4 of Title
36 2 of the Government Code. If the statewide cost of the
37 claim for reimbursement does not exceed one million
38 dollars (\$1,000,000), reimbursement shall be made from
39 the State Mandates Claims Fund.

40 ~~amended to read:~~

1 ~~13012. The annual report of the department provided~~
2 ~~for in Section 13010 shall contain statistics showing all of~~
3 ~~the following:~~

4 ~~(a) The amount and the types of offenses known to the~~
5 ~~public authorities.~~

6 ~~(b) The personal and social characteristics of criminals~~
7 ~~and delinquents.~~

8 ~~(c) The administrative actions taken by law~~
9 ~~enforcement, judicial, penal, and correctional agencies or~~
10 ~~institutions, including those in the juvenile justice system,~~
11 ~~in dealing with criminals or delinquents.~~

12 ~~(d) The number of citizens' complaints received by~~
13 ~~law enforcement agencies under Section 832.5. These~~
14 ~~statistics shall indicate the total number of these~~
15 ~~complaints, the number alleging criminal conduct of~~
16 ~~either a felony or misdemeanor, and the number~~
17 ~~sustained in each category. The report shall not contain~~
18 ~~a reference to any individual agency but shall be by gross~~
19 ~~numbers only.~~

20 ~~(e) Commencing with the annual report due on or~~
21 ~~before July 1, 2001, the number of individuals stopped for~~
22 ~~routine traffic enforcement by law enforcement officers~~
23 ~~whether or not a citation or warning is issued and data on~~
24 ~~the following information related to those stops:~~

25 ~~(1) The number of individuals stopped for routine~~
26 ~~traffic enforcement, whether or not a citation or warning~~
27 ~~was issued.~~

28 ~~(2) Identifying characteristics of the individual~~
29 ~~stopped, including the race or ethnicity, approximate~~
30 ~~age, and gender.~~

31 ~~(3) The alleged traffic infraction that led to the stop.~~

32 ~~(4) Whether a search was instituted as a result of the~~
33 ~~stop.~~

34 ~~(5) Whether the vehicle, personal effects, driver,~~
35 ~~passenger or passengers were searched.~~

36 ~~(6) The legal basis for the search, including whether~~
37 ~~consent was obtained, whether canine alerted, and~~
38 ~~whether there was probable cause or reasonable~~
39 ~~suspicion to suspect a crime.~~

1 ~~(7) Whether any contraband was discovered in the~~
2 ~~course of the search.~~

3 ~~(8) What was the contraband and how many or how~~
4 ~~much of the contraband was found.~~

5 ~~(9) Whether any oral or written citation or warning~~
6 ~~was issued as a result of the stop.~~

7 ~~(10) Whether an arrest was made as a result of either~~
8 ~~the stop or the search.~~

9 ~~(11) Whether any property was seized under~~
10 ~~forfeiture laws with a description of that property.~~

11 ~~(f) It shall be the duty of the department to give~~
12 ~~adequate interpretation of these statistics and to present~~
13 ~~this information in a manner that is of value in guiding the~~
14 ~~policies of the Legislature and of those in charge of the~~
15 ~~apprehension, prosecution, and treatment of the~~
16 ~~criminals and delinquents, or concerned with the~~
17 ~~prevention of crime and delinquency. The report shall~~
18 ~~include also statistics which are comparable with national~~
19 ~~uniform criminal statistics published by federal bureaus~~
20 ~~or departments heretofore mentioned.~~

21 ~~(g) Data acquired pursuant to this title shall be used~~
22 ~~only for research or statistical purposes and shall not~~
23 ~~contain any information that may reveal the identity of~~
24 ~~any individual who is stopped or any law enforcement~~
25 ~~officer.~~

26 ~~(h) This section shall remain in effect only until~~
27 ~~January 1, 2004, and as of that date is repealed, unless a~~
28 ~~later enacted statute, that is enacted before January 1,~~
29 ~~2004, deletes or extends that date.~~